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Attorneys for Defendants  
SCHNEIDER NATIONAL BULK CARRIERS, INC.  
and WILLIAM JAMES MAGRO  
(incorrectly referred to as  
WILLIAM JAMES MARCO)

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOSE LUIS MARTINEZ MOZO, JESSICA  
MONSERRAT MATA ROMERO, SALLY  
LAKSHMI MARTINEZ MATA, a minor by and  
through her guardian Ad Litem, JESSICA  
MONSERRAT MATA ROMERO,

Plaintiffs,

vs.

WILLIAM JAMES MARCO, SCHNEIDER  
NATIONAL BULK CARRIERS, INC. and DOES  
1 to 30, inclusive.

Defendants.

Case No.: \_5:22-cv-00582

**EXHIBIT A TO DEFENDANTS  
SCHNEIDER NATIONAL BULK CARRIER,  
INC. AND WILLIAM JAMES MAGRO'S  
NOTICE OF REMOVAL TO U.S. DISTRICT  
COURT CENTRAL DISTRICT OF  
CALIFORNIA [28 USC § 1441 – DIVERSITY  
JURISDICTION]**

Removed from: Superior Court of California San  
Bernardino County, Case No. CIVSB2124800

# EXHIBIT A

**SUMMONS**  
(CITACION JUDICIAL)

**NOTICE TO DEFENDANT:**  
(AVISO AL DEMANDADO):

WILLIAM JAMES MARCO, SCHNEIDER NATIONAL BULK CARRIERS, INC. and DOES 1 to 30, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

JOSE LUIS MARTINEZ MOZO, JESSICA MONSERRAT MATA ROMERO, "ADDITIONAL PARTIES FORM IS ATTACHED"

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)  
**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SAN BERNARDINO**  
**SAN BERNARDINO DISTRICT**

**FEB 25 2021**

BY ANGELINE GARCIA  
ANGELINE GARCIA, DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
247 WEST THIRD STREET  
SAN BERNARDINO, CALIFORNIA 92415-0210

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
BENJAMIN D. SWANSON, ESQ. SBN: 266629 THE SWANSON LAW GROUP  
31824 VILLAGE CENTER ROAD, G-UNIT (818) 852-7300  
WESTLAKE VILLAGE, CA 91361

DATE:

(Fecha)

**FEB 25 2022**

Clerk, by

(Secretario)

**Angeline Garcia**

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

**SCHNEIDER NATIONAL BULK CARRIERS, INC.**

3. ☒ on behalf of (specify):

- under: ☒ CCP 416.10 (corporation)  
☐ CCP 416.20 (defunct corporation)  
☐ CCP 416.40 (association or partnership)  
☐ other (specify):

- ☐ CCP 416.60 (minor)  
☐ CCP 416.70 (conservatee)  
☐ CCP 416.90 (authorized person)

4. ☒ by personal delivery on (date):

Page 1 of 1

SUM-200(A)

SHORT TITLE: MARTINEZ MOZO, et al. v. MARCO, et al.	CASE NUMBER: CIVSB2124800
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**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff
 ☐ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

SALLY LAKSHMI MARTINEZ MATA, a minor by and through her guardian Ad Litem, JESSICA MONSERRAT MATA ROMERO

Page \_\_\_\_\_ of \_\_\_\_\_


Page 1 of 1

**ADDITIONAL PARTIES ATTACHMENT**

Attachment to Summons

MARTINEZ MOZO, JOSE LUIS

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, title, address, and telephone) BENJAMIN D. SWANSON, ESQ. SEN: 266629 THE SWANSON LAW GROUP 31824 VILLAGE CENTER ROAD, C-UNIT WESTLAKE VILLAGE, CA 91361 TELEPHONE NO: (818) 852-7300 FAX NO (Optional): (818) 852-7298 E-MAIL ADDRESS (Optional): ben@theswansonlawgroup.com ATTORNEY FOR (Name): PLAINTIFFS	FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO CIVIL DIVISION  <b>DEC 15 2021</b>  BY  ANDREA PLACENCIA, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS: 247 WEST THIRD STREET MAILING ADDRESS: SAME AS ABOVE CITY AND ZIP CODE: SAN BERNARDINO, CALIFORNIA 92415-0210 BRANCH NAME: SAN BERNARDINO JUSTICE CENTER	
PLAINTIFF: JOSE LUIS MARTINEZ MOZO, JESSICA MONSERRAT MATA ROMERO, SEE "ATTACHMENT 1" FOR ADDITIONAL PARTIES DEFENDANT: WILLIAM JAMES MARCO, SCHNEIDER NATIONAL BULK CARRIERS, INC. and <input checked="" type="checkbox"/> DOES 1 TO 30, inclusive	
COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): GENERAL NEGLIGENCE <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:  <b>CIV SB 2124800</b>

1. Plaintiff (name or names): JOSE LUIS MARTINEZ MOZO, JESSICA MONSERRAT MATA ROMERO, SALLY LAKSHMI MARTINEZ MATA, a minor  
alleges causes of action against defendant (name or names): WILLIAM JAMES MARCO, SCHNEIDER NATIONAL BULK CARRIERS, INC. and DOES 1 to 30, inclusive
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. Each plaintiff named above is a competent adult
  - a. ☒ except plaintiff (name): SALLY LAKSHMI MARTINEZ MATA
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☒ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☒ other (specify): FOR WHOM A GUARDIAN AD LITEM SHALL BE APPOINTED
    - (5) ☐ other (specify):
  - b. ☐ except plaintiff (name):
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Page 1 of 3

## SHORT TITLE:

MARTINEZ MOZO, et al. v. MARCO, et al.

## CASE NUMBER:

CIVSB2124800

4. ☐ Plaintiff (name):  
is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name):  
SCHNEIDER NATIONAL BULK CARRIERS, INC.  
(1) ☐ a business organization, form unknown  
(2) ☒ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- c. ☐ except defendant (name):  
(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- b. ☐ except defendant (name):  
(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- d. ☐ except defendant (name):  
(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1-15 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 16-30 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☐ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

SHORT TITLE:

MARTINEZ MOZO, et al. v. MARCO, et al.

CASE NUMBER:

CIVSB2124800

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*) :

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*) :

PRE-JUDGEMENT INTEREST ACCORDING TO PROOF

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

MV-1, MV-2 and GN-1

Date: December 8, 2021

Benjamin D. Swanson, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:  
MARTINEZ MOZO, et al. v. MARCO, et al.

CASE NUMBER:  
CIVSB2124800

FIRST \_\_\_\_\_  
(number)

### CAUSE OF ACTION- Motor Vehicle

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint  
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): JOSE LUIS MARTINEZ MOZO, JESSICA MONSERRAT MATA ROMERO,  
SALLY LAKSHMI MARTINEZ MATA, a minor

MV-1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): 12/21/2019

at (place): I-5 SB near El Dorado Ave. in Manteca, CA

#### MV-2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names):  
WILLIAM JAMES MARCO and

☒ Does 1 \_\_\_\_\_ to 30 \_\_\_\_\_

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names): SCHNEIDER NATIONAL BULK CARRIERS, INC. and

☒ Does 1 \_\_\_\_\_ to 30 \_\_\_\_\_

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):  
SCHNEIDER NATIONAL BULK CARRIERS, INC. and

☒ Does 1 \_\_\_\_\_ to 30 \_\_\_\_\_

d. ☒ The defendants who entrusted the motor vehicle are (names):  
SCHNEIDER NATIONAL BULK CARRIERS, INC. and

☒ Does 1 \_\_\_\_\_ to 30 \_\_\_\_\_

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
WILLIAM JAMES MARCO and

☒ Does 1 \_\_\_\_\_ to 30 \_\_\_\_\_

f. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment MV-2f ☒ as follows:  
TO BE DETERMINED THROUGH DISCOVERY

☒ Does 1 \_\_\_\_\_ to 30 \_\_\_\_\_

Page 4 \_\_\_\_\_

Page 1 of 1



SHORT TITLE:

MARTINEZ MOZO, et al. v. MARCO, et al.

CASE NUMBER:

CIVSB2124800

SECOND

**CAUSE OF ACTION- General Negligence**

Page 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): JOSE LUIS MARTINEZ MOZO, JESSICA MONSERRAT MATA ROMERO, SALLY LAKSHMI MARTINEZ MATA, a minor

alleges that defendant (name): WILLIAM JAMES MARCO, SCHNEIDER NATIONAL BULK CARRIERS, INC. and

☒ Does 1 to 30

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 12/21/2019

at (place): I-5 SB near El Dorado Ave. in Manteca, CA

(description of reasons for liability) :

Defendants, and each of them, so negligently, carelessly and/or recklessly owned, operated, used, drove, maintained, loaned and/or entrusted their motor vehicle at the aforesaid time and place, so as to cause their motor vehicle to strike Plaintiff's motor vehicle, thereby proximately causing the injuries and damages Plaintiffs complain of herein.

MC-025

SHORT TITLE: MARTINEZ MOZO, et al. v. MARCO, et al.	CASE NUMBER: CIVSB2124800
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ATTACHMENT (Number): 4

(This Attachment may be used with any Judicial Council form.)

SALLY LAKSHMI MARTINEZ MATA, a minor by and through her guardian Ad Litem, JESSICA MONSERRAT MATA ROMERO

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page \_\_\_\_ of \_\_\_\_  
 (Add pages as required)

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Telephone) <b>BENJAMIN D. SWANSON, ESQ. SBN: 266629</b> <b>THE SWANSON LAW GROUP</b> <b>31824 VILLAGE CENTER ROAD, G-UNIT</b> <b>WESTLAKE VILLAGE, CA 91361</b> TELEPHONE NO. (518) 952-4333 FAX NO. (518) 852-7298 E-MAIL ADDRESS: <a href="mailto:ben@theswansonlawgroup.com">ben@theswansonlawgroup.com</a> ATTORNEY FOR (Name) <b>PLAINTIFFS</b>		FOR COURT USE ONLY <b>FILED</b> <b>SUPERIOR COURT OF CALIFORNIA</b> <b>COUNTY OF SAN BERNARDINO</b> <b>SAN BERNARDINO CIVIL DIVISION</b>  <b>DEC 15 2021</b>  BY <u></u> <b>ANDREA PLACENCIA, DEPUTY</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>SAN BERNARDINO</b> STREET ADDRESS: <b>247 WEST THIRD STREET</b> MAILING ADDRESS: <b>SAME AS ABOVE</b> CITY AND ZIP CODE: <b>SAN BERNARDINO, CALIFORNIA 92415-0210</b> BRANCH NAME: <b>SAN BERNARDINO JUSTICE CENTER</b>		CASE NUMBER <b>CIV SB 2124800</b> JUDGE: DEPT.:
CASE NAME: <b>MARTINEZ MOZO, et al. v. MARCO, et al.</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input checked="" type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PIPD/WO (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WO (23) <b>Non-PIPD/WO (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIPD/WO tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary: declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): **TWO**

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **December 8, 2021**Benjamin D. Swanson

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code) (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

CIV-010

ATTORNEY (Name, State Bar number, and address) BENJAMIN D. SWANSON, ESQ. SBN: 266629 THE SWANSON LAW GROUP 31824 VILLAGE CENTER ROAD, G-UNIT WESTLAKE VILLAGE, CA 91361 TELEPHONE NO: (818) 852-7300 FAX NO. (Optional): (818) 852-7298 E-MAIL ADDRESS (Optional): ben@theswansonlawgroup.com ATTORNEY FOR (Name): PLAINTIFFS		FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT  <b>JAN 04 2022</b>  By <u>ANGELINE GARCIA</u> ANGELINE GARCIA, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS 247 WEST THIRD STREET MAILING ADDRESS SAME AS ABOVE CITY AND ZIP CODE: SAN BERNARDINO, CALIFORNIA 92415-0210 BRANCH NAME: SAN BERNARDINO JUSTICE CENTER PLAINTIFF/PETITIONER: JOSE LUIS MARTINEZ MOZO, et al.  DEFENDANT/RESPONDENT WILLIAM JAMES MARCO, et al.		CASE NUMBER: <b>CIV SB 2124800</b>
APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM - CIVIL <input checked="" type="checkbox"/> EX PARTE		
NOTE: This form is for use in civil proceedings in which a party is a minor, an incapacitated person, or a person for whom a conservator has been appointed. A party who seeks the appointment of a guardian ad litem in a family law or juvenile proceeding should use form FL-935. A party who seeks the appointment of a guardian ad litem in a probate proceeding should use form DE-350/GC-100. An individual cannot act as a guardian ad litem unless he or she is represented by an attorney or is an attorney.		

- Applicant (name): JESSICA MONSERRAT MATA ROMERO is
  - ☒ the parent of (name): SALLY LAKSHMI MARTINEZ MATA
  - ☐ the guardian of (name):
  - ☐ the conservator of (name):
  - ☐ a party to the suit.
  - ☐ the minor to be represented (if the minor is 14 years of age or older).
  - ☐ another interested person (specify capacity):
- This application seeks the appointment of the following person as guardian ad litem (state name, address, and telephone number):  
 JESSICA MONSERRAT MATA ROMERO  
 3111 Water St  
 San Jose CA 95111 Tel: 408-509-0633
- The guardian ad litem is to represent the interests of the following person (state name, address, and telephone number):  
 SALLY LAKSHMI MARTINEZ MATA  
 3111 Water St  
 San Jose CA 95111 Tel: 408-509-0633
- The person to be represented is:
  - ☒ a minor (date of birth): 04/29/2013
  - ☐ an incompetent person.
  - ☐ a person for whom a conservator has been appointed.
- The court should appoint a guardian ad litem because:
  - ☒ the person named in item 3 has a cause or causes of action on which suit should be brought (describe):  
 Auto v. Auto, Personal Injury

☐ Continued on Attachment 5a.

Page 1 of 2

CIV-010

PLAINTIFF/PETITIONER: JOSE LUIS MARTINEZ MOZO, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT WILLIAM JAMES MARCO, et al.	CIVSB2124800

5. b. ☐ more than 10 days have elapsed since the summons in the above-entitled matter was served on the person named in item 3, and no application for the appointment of a guardian ad litem has been made by the person identified in item 3 or any other person.

c. ☐ the person named in item 3 has no guardian or conservator of his or her estate.

d. ☒ the appointment of a guardian ad litem is necessary for the following reasons (*specify*):  
TO PROTECT THE INTERESTS OF THE MINOR

☐ Continued on Attachment 5d.

6. The proposed guardian ad litem's relationship to the person he or she will be representing is:

a. ☒ related (*state relationship*): MOTHER OF MINOR

b. ☐ not related (*specify capacity*):

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person he or she will represent and has no interests adverse to the interests of that person. (*If there are any issues of competency or qualification or any possible adverse interests, describe and explain why the proposed guardian should nevertheless be appointed*):

☐ Continued on Attachment 7.

BENJAMIN D. SWANSON, ESQ.  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12 / 08 / 2021

JESSICA MONSERRAT MATA ROMERO  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF APPLICANT)

### CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem under the above petition.

Date: 12 / 08 / 2021

JESSICA MONSERRAT MATA ROMERO  
(TYPE OR PRINT NAME)


  
(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ORDER ☒ EX PARTE

THE COURT FINDS that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

THE COURT ORDERS that (*name*): JESSICA MONSERRAT MATA ROMERO is hereby appointed as the guardian ad litem for (*name*): SALLY LAKSHMI MARTINEZ MATA for the reasons set forth in item 5 of the application.

Date: JAN 04 2022

  
GILBERT C. OCHOA  
(JUDICIAL OFFICER)

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

CIV-010 (Rev. January 1, 2008)

### APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM-CIVIL

Page 2 of 2

CEB Essential  
Forms

MARTINEZ MOZO, JOSE LUIS

Doc ID: 80cd598b062eb1be6cdaacdac0ea8a2ad6fda827



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

JOSE LUIS MARTINEZ ROZO, et al.

CASE NO

CIV SB 2124800

vs.

WILLIAM JAMES MARCO, et al.

## CERTIFICATE OF ASSIGNMENT

A civil action or proceeding presented for filing must be accompanied by this Certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the SAN BERNARDINO JUSTICE CENTER District of the Superior Court under Rule 131 and General Order of this court for the checked reason

☒ General☐ Collection

## Nature of Action

## Ground


- |  |   |
|--|---|
| <input type="checkbox"/> 1. Adoption   | Petitioner resides within the district  |
| <input type="checkbox"/> 2. Conservator  | Petitioner or conservatee resides within the district.                              |
| <input type="checkbox"/> 3. Contract   | Performance in the district is expressly provided for                               |
| <input type="checkbox"/> 4. Equity   | The cause of action arose within the district                                       |
| <input type="checkbox"/> 5. Eminent Domain   | The property is located within the district   |
| <input type="checkbox"/> 6. Family Law   | Plaintiff, defendant, petitioner or respondent resides within the district.         |
| <input type="checkbox"/> 7. Guardianship   | Petitioner or ward resides within the district or has property within the district. |
| <input type="checkbox"/> 8. Harassment   | Plaintiff, defendant, petitioner or respondent resides within the district.         |
| <input type="checkbox"/> 9. Mandate  | The defendant functions wholly within the district                                  |
| <input type="checkbox"/> 10. Name Change   | The petitioner resides within the district  |
| <input checked="" type="checkbox"/> 11. Personal Injury  | The injury occurred within the district   |
| <input type="checkbox"/> 12. Personal Property   | The property is located within the district   |
| <input type="checkbox"/> 13. Probate   | Decedent resided or resides within or had property within the district.             |
| <input type="checkbox"/> 14. Prohibition   | The defendant functions wholly within the district                                  |
| <input type="checkbox"/> 15. Review  | The defendant functions wholly within the district                                  |
| <input type="checkbox"/> 16. Title to Real Property  | The property is located within the district.  |
| <input type="checkbox"/> 17. Transferred Action  | The lower court is located within the district                                      |
| <input type="checkbox"/> 18. Unlawful Detainer   | The property is located within the district.  |
| <input type="checkbox"/> 19. Domestic Violence   | The petitioner, defendant, plaintiff or respondent resides within the district.     |
| <input type="checkbox"/> 20. Other   |   |
| <input type="checkbox"/> 21. THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT |   |

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designated district is:

Defendants business address is located within the county 1691 S. Auto Center Dr.  
 NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR ADDRESS  
 San Bernardino CA 92408  
 CITY STATE ZIP CODE

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed

on December 8, 2021 at Westlake Village, California.

  
 Jose Luis Martinez Rozo, et al.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:	TRIAL SETTING CONFERENCE DATE: _____		
E-MAIL ADDRESS:	UNLIMITED CASE: _____		
ATTORNEY FOR (Name):	LIMITED CASE: _____		
FAX NO. (Optional):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO</b>			
COURTHOUSE ADDRESS:			CASE NUMBER:
PLAINTIFF:			
DEFENDANT:			
<b>INITIAL TRIAL SETTING CONFERENCE STATEMENT</b>			

**INSTRUCTIONS:** All applicable boxes must be checked, and the specified information must be provided. This document must be filed and served at least 15 days prior to the trial setting conference date.

- Party or parties (answer one):
  - ☐ This statement is submitted by party (name):
  - ☐ This statement is submitted jointly by parties (names):
- Service of Complaint on all parties has ☐ has not ☐ been completed.
- Service of Cross-Complaint on all parties has ☐ has not ☐ been completed.
- Description of case in Complaint:
- Description of case in Cross-Complaint:
- Has all discovery been completed: Yes ☐ No ☐ Date discovery anticipated to be completed: \_\_\_\_\_
- Do you agree to mediation? Yes ☐ No ☐ Please check type agreed to: Private: \_\_\_\_\_ Court-sponsored: \_\_\_\_\_
- Related cases, consolidation, and coordination: Please attach a Notice of Related Case.
   
☐ A motion to ☐ consolidate ☐ Trial dates requested: Yes ☐ No ☐ Available dates: \_\_\_\_\_
   
Time estimate: \_\_\_\_\_
- Other issues:
   
☐ The following additional matters are requested to be considered by the Court:
- Meet and Confer:
   
☐ The parties represent that they have met and conferred on all subjects required by California Rules of Court, Rule 3.724.
   
☐ The parties have entered into the following stipulation(s):
- Total number of pages attached (if any): \_\_\_\_\_

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the Initial Trial Setting Conference, including the written authority of the party where required.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)





SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN BERNARDINO

San Bernardino District  
247 West 3rd St  
San Bernardino CA 92415  
www.sb-court.org  
909-708-8678

Mozo et al -v- Marco et al	
NOTICE OF TRIAL SETTING CONFERENCE and NOTICE OF CASE ASSIGNMENT	Case Number CIVSB2124800

THE SWANSON LAW GROUP  
31824 VILLAGE CENTER ROAD G-UNIT  
WESTLAKE VILLAGE CA 91361

This case has been assigned to: Gilbert Ochoa in Department S24 - SBJC for all purposes.

Notice is hereby given that the above-entitled case has been set for Trial Setting Conference on:

Hearing Date: 06/15/2022 at 9:00 AM in Department S24 - SBJC

The Trial Setting Conference will be held in chambers without the appearance of the parties – except for good cause shown. (see Emergency Local Rule 411.1).

Parties shall file and serve no later than 15 days prior to the trial setting conference the mandatory Initial Trial Setting Conference Statement form (local form #13-09001-360) included with this notice. Prior to the date of the initial trial setting conference, the court may entertain a written stipulation by all appearing parties to continue the initial trial setting conference if filed at least 30 days prior to the conference.

Date: 12/15/2021

Nancy CS Eberhardt, Court Executive Officer

By: Andrea Placencia  
Andrea Placencia, Deputy Clerk

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above-listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above-listed notice by:

- ☐ Enclosed in a sealed envelope mailed to the interested party addressed above for collection and mailing this date, following standard Court practices.
- ☐ Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above or as shown on the attached listing.
- ☒ A copy of this notice was given to the filing party at the counter.
- ☐ A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file-stamped documents.

Date of Mailing: 12/15/2021

I declare under penalty of perjury that the foregoing is true and correct. Executed on 12/15/2021 at San Bernardino, CA.

By: Andrea Placencia  
Andrea Placencia, Deputy Clerk



## Alternative Dispute Resolution

**Superior Court  
of California -  
County of San  
Bernardino**

Alternate Dispute Resolution (ADR) provides an opportunity for parties to receive assistance reaching a resolution in their small claims, landlord tenant, civil, family law, probate case with a trained mediator. These services are provided by Inland Fair Housing and Mediation Board (IFHMB).

These services are available in the following court locations:

- ♦ Barstow
- ♦ Fontana
- ♦ Joshua Tree
- ♦ San Bernardino Justice Center
- ♦ San Bernardino Historic
- ♦ Victorville

Using ADR to resolve disputes can:

- Save time, since it can take a lot less time to work out and write up an agreement than go through a trial.
- Save money on attorney's fees, fees for expert witnesses and other expenses.
- More control over the outcome. In ADR, parties participate more actively in creating a workable solution than leaving the decision up to a judge or a jury. Also, it can create solutions that go beyond what the court can do.